

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

)
) 03 MDL No. 1570 (RCC)
) ECF Case

This document relates to:

C.A. No. 03-CV-9849 (RCC)

THOMAS E. BURNETT, SR., *et al.* v. AL BARAKA INVESTMENT & DEVELOPMENT CORP., *et al.*

**DECLARATION OF ALAN R. KABAT
IN SUPPORT OF DEFENDANTS' MOTION TO STRIKE**

I am an attorney licensed to practice in the District of Columbia and am admitted *pro hac vice* in this matter. I am with the law firm of Bernabei & Katz PLLC, counsel to defendants Saudi Arabian Red Crescent Society (D211), Hamad Al-Husaini (D209), Salman Al-Oadah (D220), Safer Al-Hawali (D221), Saleh Al-Hussayen (D222), and Shahir A. Batterjee (D67). I submit this declaration to transmit to the Court the following documents submitted in support of defendants Saudi Arabian Red Crescent Society, *et al.*'s motion to strike (Sept. 9, 2004):

1. Exhibit 1 to the defendants' motion to strike is a copy of the "Plaintiffs' Motion for Extension of Time for Service of Process and for Leave to Serve Certain Listed Defendants by Publication Pursuant to Federal Rule 4(f)" (Mar. 24, 2003), as filed with the U.S. District Court for the District of Columbia in Burnett v. Al Baraka Inv. & Dev. Corp., C.A. No. 02-CV-1616 (JR) (*Burnett* D.D.C. Docket No. 95).

2. Exhibit 2 to the defendants' motion to strike is a copy of Judge Robertson's Order (Mar. 25, 2003), as filed with the U.S. District Court for the District of Columbia in Burnett v. Al Baraka Inv. & Dev. Corp., C.A. No. 02-CV-1616 (JR) (*Burnett* D.D.C.).

3. Exhibit 3 to the defendants' motion to strike is the altered version of plaintiffs' March 24, 2003 motion for leave to serve by publication, as submitted by plaintiffs to this Court on June 30, 2004, and was filed with this Court as Exhibit 4 to "Plaintiffs' Memorandum of Law in Opposition to Motions to Dismiss of Defendant Shahir A. Batterjee" (June 30, 2004) (Docket No. 276).

4. Exhibit 4 to the defendants' motion to strike is a copy of a letter from the defendants' counsel to the *Burnett* plaintiffs' counsel, dated July 26, 2004.

5. Exhibit 5 to the defendants' motion to strike is a copy of a letter from the *Burnett* plaintiffs' counsel to the defendants' counsel, dated August 24, 2004.

6. Exhibit 6 to the defendants' motion to strike is a copy of a letter from the defendants' counsel to the *Burnett* plaintiffs' counsel, dated September 1, 2004.

I declare under the penalties of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed on September 9, 2004.

/s/ Alan R. Kabat

ALAN R. KABAT